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14 **UNITED STATES BANKRUPTCY COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 **LOS ANGELES DIVISION**

17 In re Case No. 2:20-bk-21022-BR

18 GIRARDI KEESE, Chapter 7

19 **NOTICE OF MOTION FOR ORDER**
20 **AUTHORIZING THE TRANSITION AND**
21 **ASSIGNMENT OF THE ESTATE'S**
22 **INTERESTS IN THE PARAMOUNT**
23 **LITIGATION FREE AND CLEAR OF**
24 **LIENS, CLAIMS AND INTERESTS**
25 **PURSUANT TO 11 U.S.C. § 363**

26 Debtor.

27 **[No Hearing Required Pursuant to**
28 **Local Bankruptcy Rule 9013-1(o)]**

29 **TO ALL INTERESTED PARTIES:**

30 **PLEASE TAKE NOTICE** that Elissa D. Miller, the chapter 7 trustee for the
31 bankruptcy estate of Girardi Keese (the "Trustee"), has filed a *Motion for Order*
32 *Authorizing the Transition and Assignment of the Estate's Interests in the Paramount*
33 *Litigation Free and Clear of Liens, Claims and Interests Pursuant to 11 U.S.C. § 363* (the
34 "Motion"). The Trustee is requesting that the Motion be granted without a hearing as
35 provided in Local Bankruptcy Rule 9013-1(o) unless a party in interest timely files and
36 serves a written opposition to the Motion and requests a hearing. The Motion is
37 summarized as follows:

38 1. Pre-petition, the Debtor represented approximately 137 plaintiffs (the
39 "Clients") in an action involving alleged personal injury and property damage arising from
40 toxic emissions in Paramount, California (the "Paramount Litigation"). The Paramount
41 Litigation is close to resolution but there are additional tasks that need to be completed

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1 before a settlement can be memorialized and the Clients paid. After approaching a
2 couple of law firms regarding transition of the Paramount Litigation, the Trustee has
3 entered into an agreement with The Law Offices of Antony Thomassian ("Thomassian"),
4 who will be collaborating with The Law Offices of Tim D. Wright ("Wright") (Thomassian
5 and Wright are hereinafter collectively referred to as "Thomassian"). Thomassian is
already familiar with the Paramount Litigation. Among other things, Wright referred
approximately 1/3 of the Clients to the Debtor. Thomassian is experienced in personal
injury lawsuits and has the requisite expertise and resources to represent the Clients in
the Paramount Litigation.

6 2. The Debtor is not able to continue to perform as counsel for the Clients and
7 the Law Offices of Antony Thomassian ("Thomassian") wishes to substitute in as counsel
8 with the collaboration of The Law Offices of Tim D. Wright ("Wright"). Thomassian and
Wright are already familiar with the Paramount Litigation (Thomassian and Wright are
hereinafter collectively referred to as "Thomassian"). The transition of the Clients to
Thomassian is subject to each Client's consent.

9 3. The Debtor's claim to fees and costs in the Paramount Litigation is an asset
10 of value. Accordingly, the Trustee and Thomassian entered into a transition agreement,
11 whereby the Trustee agreed to transfer the Estate's interest in 137 cases in the
Paramount Litigation to Thomassian (the "Agreement"). The salient terms of the
Agreement are as follows:

12 (a) All fees that may be received by Thomassian or the Debtor on
13 account of the representation of the Clients in the Paramount Litigation, net of any
common benefit assessments ("Fees"), shall be allocated as follows:

14 (i) To the Trustee for the benefit of the Estate, 66.7% of the Fees
15 after deducting costs (the "Estate Allocation");

16 (ii) To Thomassian, 33.3% of the Fees after deducting Costs (the
17 "Thomassian Allocation"). Any Referral Fees due on cases which have
been referred to the Debtor and are transferred to Thomassian pursuant to
the Agreement shall be deducted from the Thomassian Allocation.
18 Thomassian agrees to assume the representation of the Clients under the
same fee structure as that which was agreed to in writing between the
19 Clients and the Debtor.

20 (b) It is understood and acknowledged that the Debtor has advanced or
21 otherwise incurred costs in the Paramount Litigation, some of which may be claims
in the Bankruptcy Case, and reimbursement for such costs will be made to the
22 Estate as part of the Estate Allocation.

23 (c) The assignment to Thomassian, including without limitation the
Thomassian Allocation, shall be free and clear of all liens, claims, encumbrances,
24 and other interests pursuant to Bankruptcy Code section 363(f), including but not
limited to (i) any purported liens, assignments, encumbrances, or other purported
25 transfers to litigation funders or other creditors of the Debtor, and (ii) any purported
assignments or transfers (or agreements to a substitution of counsel or notice of
association or appearance) by the Debtor.

26 (d) Any liens, claims, encumbrances, or other interests of the Debtor's
27 creditors or other entities that may assert an interest in the Debtor's right to
attorneys' fees or other compensation relating to the Clients shall attach only to
28 the Estate Allocation, to the same extent, priority, and validity (if any) that such

liens, claims, encumbrances, or other interests had prior to consummation of the Agreement, and subject to any claims or defenses the Trustee or the Estate may have. The Thomassian Allocation shall be free and clear of such liens, claims, encumbrances, or other interests. For the avoidance of doubt, Thomassian is assuming no liabilities of the Estate, the Debtor, or any current or former partners, members, attorneys, insiders, affiliates, or employees thereof, whether under contract, tort, or otherwise.

(e) The terms of the Agreement and the effectiveness thereof, are subject to Court approval.

4. The proposed assignment, which is subject to each Client's consent, is in the best interests of the Estate and has been proposed in good faith. Under the Agreement, the Estate will realize 66.7% of any contingency fees earned plus costs on terms that are fair to the Estate. Finally, the Agreement is the product of the Trustee's arms-length negotiations with Thomassian.

DEADLINE FOR FILING AND SERVING OPPOSITION PAPERS AND REQUEST FOR A HEARING: Pursuant to LBR 9013-1(o), any party who opposes the Motion may request a hearing on the Motion. The deadline to file and serve a written opposition and request for hearing is **14 days** after the date of service of this notice, plus 3 additional days if you were served by mail or pursuant to F.R.Civ.P. 5(b)(2)(D) or (F).

If you timely file and serve a written opposition and request for a hearing, the Trustee will file and serve a notice of hearing at least 14 days in advance of the hearing. If you fail to comply with this deadline:

(a) The Trustee will file a declaration to indicate (1) the Motion was properly served, (2) the response period elapsed, and (3) no party filed and served a written opposition and request for a hearing within 14 days after the date of service of the notice:

(b) The Trustee will lodge an order that the Court may use to grant the Motion; and

(c) The Court may treat your failure as a waiver of your right to oppose the Motion and may grant the Motion without further hearing and notice.

DATED: April 30, 2021

SMILEY WANG-EKVALL, LLP

By: /s/ I ei I ei Wang Ekyall

LEI LEI WANG FKVALI

Attorneys for Elissa D. Miller, Chapter 7
Trustee

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 3200 Park Center Drive, Suite 250, Costa Mesa, CA 92626.

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF MOTION FOR ORDER AUTHORIZING THE TRANSITION AND ASSIGNMENT OF THE ESTATE'S INTERESTS IN THE PARAMOUNT LITIGATION FREE AND CLEAR OF LIENS, CLAIMS AND INTERESTS PURSUANT TO 11 U.S.C. § 363** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) April 30, 2021 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL:

On (*date*) April 30, 2021, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

The Honorable Barry Russell
U.S. Bankruptcy Court
Roybal Federal Building
255 E. Temple Street, Suite 1660
Los Angeles, CA 90012

Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) , I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

April 30, 2021
Date

Gabriela Gomez-Cruz
Printed Name

/s/ Gabriela Gomez-Cruz
Signature

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF"):

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